

RESOLUTION 01-19
THE TOWN OF FOREST HEIGHTS

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PENNONI ASSOCIATES, INC. ON BEHALF OF THE TOWN OF FOREST HEIGHTS TO OBTAIN ENGINEERING SERVICES FOR CONSTRUCTION ADMINISTRATION AND OVERSIGHT FOR THE NEW POLICE AND PUBLIC WORKS DEPARTMENTS FACILITY AT 606 MODOC LANE; AND GENERALLY RELATED TO PROFESSIONAL SERVICES AND TOWN BUILDINGS

Introduced By: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Town, in March of 2013, purchased certain real property developed with a house, and attached garage located at 606 Modoc Lane adjacent to and abutting the municipal building parcel (Parcel E), and the Town has implemented plans to renovate said property for a Town police station, and a public works office; and

WHEREAS, the Mayor and Council approved Resolution 41-14 on or about June 30, 2014 authorizing the Mayor to accept a proposal prepared by Architectural Solutions LLC, that submitted a proposal for services covering architectural, structural, mechanical, plumbing and electrical design services to renovate both the Municipal Building and the above-referenced property on Modoc Lane; and

WHEREAS, on or about December 7, 2015 by Resolution 68-15, the Town Council approved a proposal of Strategiesfirst, LLC of Suitland, MD regarding demolition services for 606 Modoc Lane (Phase I); and

WHEREAS, on or about August 17, 2016, the Town Council approved a Letter of Intent ("LOI") dated August 1, 2016 authorizing the Mayor to negotiate a construction contract consistent with the terms and conditions memorialized in the LOI, and a contract was signed between the Town and Strategiesfirst, LLC, as the contractor, on August 17, 2016 to renovate 606 Modoc Lane (Phase II); and

WHEREAS, the Mayor and Council approved an amended contract on October 3, 2016 entered into between the Town of Forest Heights, Monument Enterprises LLC (prime contractor) and Strategiesfirst, LLC (project manager) for the new Police & Public Works Department building renovation and addition at 606 Modoc Lane as a substitute or replacement for Strategiesfirst, LLC, as the prime contractor, which was initially awarded the contract pursuant to Resolution 44-16 approved on September 17, 2016; and

WHEREAS, said amended contract dated October 4, 2016 included a term that the Contractor, subject to authorized adjustments, would complete the project in sixty-five (65) days of contract execution; and

WHEREAS, the Mayor and Council approved Resolution 67-16 on or about November 7, 2016 authorizing the Mayor to enter into a contract with CTI Consultants, Inc. to obtain a Third-Party Building Code Compliance Inspector for 606 Modoc Lane; and

WHEREAS, in addition to several payments for tasks performed under the aforementioned contracts, the Mayor and Council have authorized several expenditures for agents, contractors and subcontractors providing services and materials for the project including but not limited to data line installation, demolitions, concrete footings, security windows, fire sprinklers, inspections, architectural services, fencing, site plans, change orders, trash removal, I-Net equipment installation, mobilization, waterproofing, and permit fees; and

WHEREAS, Pennoni reports that the project is approximately 50% complete but the Mayor and Council finds that despite a series of staff initiated status meetings in the past with the Architect, Project Manager, Contractor and Subcontractors resulting in limited progress, the 606 Modoc Project has not reasonably progressed, has substantially languished and is need of more concerted and expeditious professional project planning, coordination, resolution of contract requirement disputes, accountability, budget control, task identification, and project management to bring the project to final completion; and

WHEREAS, the Mayor and Council have the power pursuant to Section 33-83 of the Town Charter to do whatever may be necessary to protect Town property and to keep all Town property in good condition; and

WHEREAS, the Charter, Section 33-63 further permits the Council to forego the competitive bidding process in order to negotiate professional services contracts such as engineering services; and

WHEREAS, Pennoni Associates, Inc. ("Pennoni") has prepared a proposal dated January 4, 2019 to provide professional consulting services including project administration and construction coordination and construction observation in support of the construction project at 606 Modoc Lane; and

WHEREAS, Pennoni proposes to consult with the Town over the course of three (3) phases of the project: Phase 1 (review all relevant planning, construction and contract documents and prepare a status report with proposed project completion schedule and weekly punch list; Phase 2 (meet with the staff, Architect, Project Manager, and Contractor to coordinate the "re-start" schedule and provide various tasks including construction project management, quality assurance and budget control); Phase 3 (observe through site visits, punch list preparation and coordinate construction for all remaining project items such as plumbing, walls, windows, electrical, etc. using a sub-contractor; and

WHEREAS, the Council finds that it is in the best interest of the Town to authorize the requisite expenditure by entry into an agreement with Pennoni Associates Inc. to provide certain

engineering services as stated herein and in the proposal attached hereto, to be expended from line item numbered 8012 in amount of \$39,226.00; and

WHEREAS, the Council hereby approves the transfer of funds from Line Item 8034 to Line Item 8012 in the Fiscal Year 2019 Budget of the Town for the capital improvements project line item numbered 8012 and further entitled "Sust. Design Serv. - Consult Eng." originally budgeted for no initial appropriation that was approved as part of the FY '19 Budget.

NOW THEREFORE BE IT RESOLVED, that the Town Council authorizes the Mayor to enter into a professional services contract, attached hereto as Exhibit A (Engineering Services Proposal for: Construction Administration and Oversight for the New Police & Public Works Departments @ 606 Modoc Lane, Forest Heights, Maryland 20745) and incorporated by referenced herein (the "Contract"), and thereby obtain project coordination and engineering services from Pennoni Associates Inc., as further described herein above and in said Contract at a fee not to exceed thirty-nine thousand and two-hundred-twenty six dollars (\$39,226.00), and whereas this amount includes \$5,336.00 for a named subcontractor; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 7th day of January 2019.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

ABSENT

KENNEDY II

ABSENT

MCLAURIN

YEA

BARNES

YEA

HINES

YEA

WASHINGTON

YEA

BROWNSON

YEA

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

By:

Habeeb-Ullah Muhammad, Mayor

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SIGNATURE ON FILE

By: _____
Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7th of January 2019 with Yea 5 votes and 0 Nay vote the aforesaid Resolution 01-19 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

Exhibit A (Engineering Services Proposal for: Construction Administration and Oversight for the New Police & Public Works Departments @ 606 Modoc Lane, Forest Heights, Maryland 20745)